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FY 2009 GRANT NOTIFICATION OF FUNDING AVAILABILITY INDIAN ENVIRONMENTAL GENERAL ASSISTANCE PROGRAM

I. OVERVIEW

The U.S. Environmental Protection Agency (EPA), Region 9, is requesting Indian Environmental General Assistance Program (GAP) grant proposals from federally recognized tribal governments and intertribal consortia for FY2010 work plan program development activities. The goal of the GAP is to assist tribes in developing the capacity to plan and establish environmental protection programs and to develop and implement solid and hazardous waste programs in accordance with their individual needs.

The Catalog of Federal Domestic Assistance Number for the GAP is 66.926.

Important Dates*

1. **Grant Notification** distributed by EPA **Oct. 23, 2008**
2. **Tribal Proposals** must be postmarked by..... **Dec. 19, 2008**
3. **GAP Full Applications with Revised Work plans** postmarked no later than **Apr. 17, 2009**
4. **Grant awards** will be made by **Sept. 30, 2009**

* Funding is jeopardized if materials are received after the due dates.

* Written notice of approved funding amounts and application due dates may be extended, pending R9's receipt of a final GAP funding allocation from EPA Headquarters Office.

NEW INFORMATION

- **GAP Online is Mandatory for FY 2009** – Proposals will only be accepted if they are submitted in GAP Online. If you have no internet access, please contact your Project Officer for further instructions. For more information on GAP Online, please see attachment
- **Grant Notification will not be mailed** – The Tribal Program Office is distributing hard copies of the GAP Notification at this years Region 9 Tribal EPA Conference. The notification will then be online at <http://www.epa.gov/region09/indian> on October 24, 2008.

II. BACKGROUND AND PROGRAM DESCRIPTION

In 1992 Congress passed the Indian Environmental General Assistance Program Act which authorizes the EPA to provide General Assistance Program (GAP) grants to tribal governments and intertribal consortia for planning, developing, and establishing environmental protection programs in Indian Country, and developing and implementing solid and hazardous waste programs on tribal lands. The goal of this program is to assist tribes in developing the capacity to manage their own environmental protection programs and to develop and implement solid and hazardous waste programs in accordance with their individual needs. This grant notification includes several GAP funding opportunities including:

- *General Assistance Program Grants*
- *Performance Partnership Grants* are referenced in Section IV
- *Fall 2009 Annual EPA/Tribal Conference co-sponsorship request*
- *Tribal Travel Fund Grant availability*

The GAP program is currently exempt from competition under sections 6(c) 1 and 2 of EPA's Policy for Competition of Assistance Agreements (EPA Order 5700.5A1). While funds for exempt programs may be competed if deemed practicable, the American Indian Environmental Office has determined that competition for the GAP is not practical because of the need to provide a clear and stable source of base funding for program development and capacity building across Indian country consistent with the primary statutory purpose of the program.

III. FUNDING AMOUNT AVAILABLE

Last year, EPA Region 9 received \$14,996,995 of new GAP funding for 146 eligible tribes and intertribal consortia in Arizona, California and Nevada. Region 9 currently has 127 tribes and four intertribal consortia with active GAP grants. Our objective is to provide funding for new GAP grantees and to continue to support capacity building efforts for existing grantees. Award amounts will depend on the following:

- the amount of GAP funding Region 9 receives in FY 2009;
- the number of tribes and tribal consortia submitting applications;
- how well each proposal meets the review factors; and
- past performance (see page six for more detail)

Funding is not guaranteed for every applicant

New grantees will receive \$75,000 to support their first year of GAP activities. Amendments to existing grants may be in any amount, although most awards will range from \$75,000 to \$120,000 per year. **Requests for more than \$120,000 will be considered if needs are sufficiently justified and funding is available.** Non federal matching funds are not required. GAP grant project periods may not exceed four years. At the end of a four-year grant period, tribes and intertribal consortia may apply for a new GAP grant to continue environmental capacity building activities.

Cost Sharing or Matching - Grantees are not required to provide matching funds for this program.

IV. ELIGIBILITY

a.) Eligible Recipients

Federally-recognized Indian tribes and intertribal consortia are eligible to receive funds under this program. An intertribal consortium is defined as a partnership between two or more tribes authorized by the governing bodies of those tribes to apply for and receive assistance under GAP. An intertribal consortium is eligible to receive GAP grants if the consortium can adequately document compliance with the following requirements:

- 1) A majority of its member tribes meet the eligibility requirements for GAP grants;
- 2) All member tribes that meet the eligibility requirements authorize the consortium to apply for and receive the grant; and
- 3) Only those member tribes that meet the eligibility requirements will benefit directly from the grant project and the consortium agrees to a grant condition to that effect.

b.) Environmental Measures and Results in Grant Workplans

EPA's 2006-2011 Strategic Plan puts forward the Agency's goals for the next five years and describes how EPA intends to achieve a cleaner, healthier environment. The plan is a public statement of how EPA expects to achieve environmental results. Within the Strategic Plan, EPA has established five long-term, results-based goals. The Indian Environmental General Assistance Program falls under Goal 5, Compliance and Environmental Stewardship; Objective 3, Building Tribal Capacity.

Each Tribe **must** include the following in their GAP work plan:

- the tribe's environmental program capacity-building efforts,
- well-defined outputs and, to the maximum extent practical, well-defined environmental outcomes, and
- link to EPA's Strategic Plan.

EPA must also report results achieved by the General Assistance Program grants. For FY 2006-2011, Region 9 is required to report annually on the following results for GAP grants:

1. Number of tribes with an environmental program.
2. Number of tribes implementing federal environmental programs in Indian Country (TAS, DITCAs)
3. Number of tribes conducting EPA-approved environmental monitoring and assessment activities (under an approved Quality Assurance Program Plan or QAPP).
4. The number of tribes covered by a tribally approved integrated solid waste management plan.
5. The number of open dumps closed, cleaned-up or upgraded.
6. The number and type of solid waste implementation activities accomplished.

Therefore, we strongly encourage you to include in your work plan activities which will further these tribal measures. Please contact your GAP project officer if you have questions on these measures.

c.) Eligible Activities (See Attachments A and B)

A sample list of eligible GAP capacity-building activities is provided in Attachment A, and a brief synopsis of capacity-building activities and solid & hazardous waste (SHW) implementation activities is provided below.

A. Capacity-Building Activities - GAP funding can only be used for activities that build tribal capacity to develop and manage environmental protection programs and support the implementation of solid and hazardous waste (SHW) management activities. See Attachment A for examples of environmental program capacity-building activities.

- Capacity-building through this program may include developing appropriate administrative and environmental legal infrastructures, establishing tribal environmental technical capability, and developing integrated tribal environmental management programs that can be implemented with other funding sources, such as program-specific EPA grants. Except for solid waste or hazardous waste implementation activities, GAP funds cannot be used to implement any other types of environmental programs, such as watershed restoration.

B. Solid and Hazardous Waste Implementation Activities - GAP funds can be used to develop and implement tribal solid and hazardous waste programs.

- Development activities may include the development of integrated waste management plans (IWMP), development of solid waste codes/ordinances, development of solid waste collection and management programs including the development of recycling, composting, or household hazardous waste collection programs, and the development of solid or hazardous waste enforcement programs.
- Implementation of solid and hazardous waste activities may include (but is not limited to)

feasibility studies for new collection systems including the construction of transfer stations or recycling facilities; removal of junk automobiles, scrap metal and/or used tires; planning and conducting household hazardous waste cleanup days; establishing recycling collection areas; inspecting facilities, and cleaning up open dumps.

- Priority may be given to those dump sites that pose a greater threat to human health and the environment. Any proposed dump closure requested for GAP funding must include the submission of each dump's GPS coordinates and site name.
- Ongoing operation and maintenance (O&M) of solid waste collection programs (i.e. garbage, recycling, brush cleanup, etc.) is unallowable.

For additional examples of eligible solid waste activities, please see Attachment A.

Please Note:

- **It is highly recommended that an Integrated Solid Waste Management Plan (IWMP) be developed and approved by the tribe's governing body prior to implementing other significant solid waste projects.**
- **Priority may be given to projects that focus on IWMP development and/or open dump closures based on the Agency's 2006-2011 Strategic Plan measures.**

Solid waste implementation projects that involve ground disturbing, precedent setting, or highly controversial activities may be subject to National Environmental Policy Act (NEPA) compliance. When NEPA compliance is warranted, GAP work plans must contain appropriate compliance activities (e.g., review of project impacts).

V. PROPOSAL PROCESS

- 1) **Proposal Content and Timeline** – The use of GAP Online is mandatory for FY2009 proposal work plans. GAP work plans must be created and submitted in GAP Online by **December 19, 2008**. Please use this link to access GAP online: http://iaspub.epa.gov/GAP_Online/index.jsp. User names and passwords have been distributed to tribes. If you do not have your user name and password, or if you have trouble entering data into GAP Online, please call your project officer. For more information regarding GAP online, please see Attachment G.

Grant proposals should be fifteen pages or less, and should not include formal applications (SF-424). Proposals must contain the following information:

a) Narrative Discussion (include as an attachment in GAP Online)

1. Tribes that have utilized GAP funding in the past must include a short summary (one to two paragraphs) of capacity building progress made under previous GAP grants.
2. All applicants must describe the new tribal capacity building efforts needed, and any high-priority environmental and human health issues that affect the tribe.
3. Describe where the environmental staff is placed within the tribal organizational structure. (An organization chart is an acceptable format.)
4. List other funding sources (both federal and non-federal) that the tribe has been granted or plans to pursue to develop and implement environmental programs.
5. Current recipients must provide a status of their cumulative expenditures and current unexpended balance for the existing GAP grant, as of 9/30/08.

b) Work Plan (developed directly in GAP Online)

1. *General Work Plan Requirements* – GAP work plans **must** contain the following elements (see detailed description of these terms and the mandatory format is shown in Attachment B):

- a) A description of each work plan component to be funded;

- b) Estimated work years and funding amounts for each work plan component;
- c) The work plan commitments for each work plan component, and a timeframe for their completion;
- d) The expected outputs (or deliverables) for each commitment;
- e) Outcomes (environmental result) associated with each work plan component;
- f) Descriptions of tribal and EPA roles and responsibilities in carrying out the work plan commitments; and
- g) A description of the process for jointly evaluating and reporting progress and accomplishments under the work plan.

2. *Region 9 One-Time Mandatory Tasks:*

These tasks should not be repeated annually unless there have been substantial changes to the tribe's financial systems or the Environmental Plan becomes out of date.

- **Environmental Inventory*** - Identify the Tribe's actual or potential environmental or human health issues.
- **Environmental Plan*** - After an inventory is complete, develop and implement a tribal environmental plan to address tribal environmental issues and priorities. This plan should be used as a guide for the development of the tribal environmental program and future work plan activities.
- **Administrative/Fiscal Assessment*** - Review and assess the tribe's financial, procurement and property management procedures to insure that the tribe's systems meet the requirements of 40 CFR Part 31 and Cost Principles under 2 CFR Part 225 (formerly OMB Circular A-87). Corrections to deficiencies found in the tribe's administrative systems are eligible activities under the GAP.

(*Sample guidance documents are available from your project officer.)

- 3. *Two-Year Work Plans* - Current recipients whose grants expire in 2010 or later are strongly encouraged to submit two-year work plans and budgets. If funding is available, two-year work plans will be funded. A separate work plan and budget must be included for each year.
- 4. *Supplemental Priority Activities, Capital Expenditures, etc.* - Tribes that would like to request funding for special tasks (e.g., to conduct a water resources assessment, or clean up open dumps, abandoned autos or household hazardous waste) or special capital expenditures (e.g., water monitoring equipment) should submit a supplement to their base work plans and budgets. If sufficient GAP funds are available after basic tribal program needs have been met, the EPA may fund additional priority tasks or capital expenditures. GAP review criteria will be used to determine priorities for funding supplemental activities or purchases.

c) Budget Breakdown (include as an attachment in GAP Online) - Include a separate budget breakdown for each year of the work plan or for any supplemental priority activities. All proposed costs should be itemized.

d) Government Endorsement (include as an attachment in GAP Online)- Individual tribal governments should include a tribal resolution or tribal government endorsement (e.g., a tribal leader signature on a cover letter) of the proposal.

Intertribal consortia **must** include resolutions or other written certifications from each tribal government that will benefit from the proposed grant. Resolutions or certifications should clearly demonstrate that consortium members authorize the application.

2) Proposal Review Factors

GAP proposals and funding amounts will be reviewed based on the following factors:

- a) Completeness of proposals, based on the information requested in this grant notification, eligible, GAP activities and EPA's priorities;
- b) Description of tribal environmental program capacity building needs and environmental or health risks (existing or potential);

- c) The clarity, complexity, and scale of work plan activities, including well-defined commitments, outputs and outcomes (environmental results);
- d) Past performance under EPA grants, including fiscal accountability, amount of unexpended funds, quality and timeliness of quarterly progress reports, the ability to complete work plan activities on time, and;
- e) Likelihood of completing proposed activities, considering past performance and available resources.

3) Funding Priorities

a) Individual Tribes

The primary purpose of GAP is to build tribal capacity for developing and administering environmental protection programs, and it is EPA policy to work with tribes on a government-to-government basis. Therefore, providing GAP grants to individual tribal governments is our highest priority.

b) Programs/Projects for The Benefit of Other Tribes and/or Existing Intertribal Consortia

Activities that Benefit Multiple Tribes - This includes grants to individual tribes for activities that benefit multiple (or all) tribes in the Region. Such activities might include conducting training courses, holding conferences, and providing travel funds to other tribes to attend environmental training and meetings. We place this priority directly under the ranking for individual tribes and equal to that of existing intertribal consortia that perform similar functions.

Existing Intertribal Consortia - Funding for consortia will be considered after the needs of individual tribes are met. Consortia work plans should meet the needs of tribes without duplicating individual tribal efforts. Work plans that directly build tribal environmental capacity will be prioritized for funding.

c) New Intertribal Consortia

The overall amount of funding available to individual tribes and existing intertribal consortia is reduced each time a new intertribal consortium is funded. Funding new intertribal consortia will be our third priority.

4) Funding Decision Notifications/Guidance Letters

After EPA reviews grant proposals and makes preliminary funding decisions, project officers will notify tribes in writing of the status of each proposal. Letters will include the following guidance:

- a) amount of approved funding a tribe should apply for,
- b) date by which the final grant application and work plan must be postmarked,
- c) suggestions and/or requests for work plan or budget revisions, and
- d) instructions for obtaining application kits and mailing completed applications.

VI. FINAL APPLICATION PROCESS

1) Final Applications and Work plans - Full applications and revised work plans (including narrative) must be postmarked no later than **April 17, 2009, or as stated in the Guidance Letter**. Full applications must include the federal Standard Form 424, a work plan (including narrative) and budget that reflect any changes requested by project officers during the proposal process. Earlier application submissions are encouraged.

Application kits (including instructions) are available through the internet at <http://www.epa.gov/region09/funding/applying.html>. If you require a hard copy application kit, please contact an EPA Grant Assistant at 415-972-3723.

A Dunn and Bradstreet Data Universal Numbering System (DUNS) number must be included in every

Federal grant application. There is only one DUNS number per tribe. Please include your tribal DUNS number in the appropriate field. A DUNS number can be obtained by calling 1-866-705-5711, or via the internet at <http://eupdate.dnb.com/requestoptions.html>.

2) By April 17, 2009, mail the original and one copy of your final application and work plan to the address below:

Grants Management Office (MTS-7)

U.S. EPA, Region 9
75 Hawthorne Street
San Francisco, CA 94105

3) Grant Award - EPA will review final GAP applications and will request final revisions or additional information if necessary. Approved grant awards will be made no later than September 30, 2008.

VII. PERFORMANCE PARTNERSHIP GRANTS

Performance Partnership Grants (PPGs) are grants formed by incorporating at least two eligible EPA grants into a single grant. PPGs help decrease administrative burdens and increase flexibility in how grant funds can be used. Tribes that receive two or more EPA grants are encouraged to discuss the prospect of forming a PPG with their GAP project officer and other project officers that would be involved. There are 18 EPA programs eligible to be included in a PPG. Your project officer can provide you this list.

Tribes should engage the EPA in PPG discussions **before** developing individual grant applications. Past grant performance is one factor EPA considers when evaluating potential PPGs. Since multiple grants are involved, PPG proposals and applications can take longer to develop than single grant proposals. Tribes or tribal consortia should strive to complete final PPG applications by **April 17, 2009** or sooner, unless directed otherwise by EPA project officers. Although PPG application deadlines may depend on the type of grants involved, the PPG application process will be similar to the standard GAP grant process.

VIII. AWARD ADMINISTRATION

Regulations governing the award and administration of environmental program grants for tribes, including the GAP can be found at 40 CFR Part 31 and 40 CFR Part 35, Subpart B.

Quarterly reports are required. Tribes must report environmental outcomes in their quarterly reports. Cumulative expenditure reports must also be provided on a quarterly basis. Please refer to Attachment C (GAP Work plan Information and Quarterly Progress Reporting) for further information about reporting requirements.

Financial Status Reports (FSRs), SF269A. Interim FSRs are required annually (see your grant agreement terms and conditions) and a Final FSR must be submitted within 90 days after the grant expires.

Dispute procedures can be found at 40 CFR Part 31.70.

Confidentiality - Applicants must clearly mark information they consider confidential, and EPA will make confidentiality decisions in accordance with Agency Regulations found at 40 CFR, Part 2, Subpart B.

EPA Responsibilities and Review of Grantee Performance is described in Attachment C (f and g), (GAP Work Plan Information and Quarterly Progress Reporting).

IX. AGENCY CONTACTS

For additional information or clarification, please contact your GAP Project Officer (Attachment H), or:

Pamela Overman at (415) 972-3781 or Overman.Pamela@epa.gov
Veronica Swann at (415) 972-3699 or Swann.Veronica@epa.gov